

E-FILED 10/13/15
LINK #39

NOTE CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTHUR SHERIDAN, an individual,
and BARBARA SHERIDAN, and
individual, individually and on behalf of
all those similarly situated,

Plaintiffs,

v.

iHEARTMEDIA, INC., a Delaware
corporation,

Defendant.

Case No.: 2:15-cv-4067-PSG-GJS

~~[PROPOSED]~~ ORDER REGARDING
STIPULATION TO CONSOLIDATE
CASES, TO ADMINISTRATIVELY
CLOSE LATER FILED CASE, TO
ESTABLISH COMMON CAPTION,
AND TO CONSOLIDATE FUTURE
PRE-1972 SOUND RECORDING
CASES AGAINST iHEARTMEDIA,
INC. WITH THIS CONSOLIDATED
ACTION

The court having read and considered the Parties' Stipulation and for good cause therefore, **IT IS HEREBY ORDERED** that:

I. CONSOLIDATION OF RELATED ACTIONS

The following actions and any other action arising out of the broadcast, reproduction, or distribution of pre-1972 sound recordings by any iHeartMedia corporate entity that is now pending or is hereafter filed in or transferred to this Court are hereby consolidated pursuant to Fed. R. Civ. P. 42(a)(2):

1. *Sheridan v. iHeartMedia, Inc.*, 2:15-cv-4067-PSG-GJS

2. *ABS Entertainment, Inc. v. iHeartMedia, Inc. et al.*, 2:15-cv-6252-PSG-GJS

II. CAPTION OF CASES

All papers filed in the Consolidated Action shall bear the following caption and case number:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re

iHeartMedia Pre-1972 Sound
Recording Litigation

Case No. 2:15-cv-4067-PSG-GJS

Honorable Phillip S. Gutierrez

III. ADMINISTRATIVE CLOSURE OF *ABS ENTERTAINMENT, INC. v. iHEARTMEDIA, INC., ET AL.*

ABS Entertainment, Inc. v. iHeartMedia, Inc., et al., Case No. 2:15-cv-6252-PSG-GJS, shall be administratively closed and all further filings in that matter shall be captioned *In re iHeartMedia Pre-1972 Sound Recording Litigation*, bearing the *Sheridan* Case No. 2:15-cv-4067-PGS-GJS.

~~IV. NEWLY FILED OR TRANSFERRED ACTIONS~~

~~When and if a new case is filed against iHeartMedia, or its corporate entities,~~

that arises out of substantially similar operative facts and/or presents substantially similar legal issues as the Consolidated Action, or any such case is transferred to and accepted by this Court, it shall be consolidated as provided in Section I above and the Clerk of this Court shall:

- (a) File a copy of this Order in the separate file for such action;
- (b) Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case;
- (c) Make the appropriate entry in the Master Docket that the recently filed or transferred case has been consolidated with Case No. 2:15-cv-4067-PGS-GJS; and
- (d) Administratively close the newly filed or newly transferred case.

The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of this litigation.

V. APPLICATIONS OF THIS ORDER TO SUBSEQUENT CASES

This Order shall apply to each Plaintiff class action alleging the substantially similar operative facts and/or presenting substantially similar legal issues against any iHeartMedia entity which is subsequently filed in or transferred to this Court, and which is assigned to the undersigned unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date on which the Clerk mails a copy of this Order to the counsel of that party. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

VI. OBLIGATION OF PLAINTIFFS' COUNSEL TO PREPARE REVISED CONSOLIDATED COMPLAINT(S) AS REQUIRED

It shall be the obligation of Plaintiffs' counsel for the *Sheridan* and *ABS* actions, and subsequently for any newly filed iHeart Pre-1972 Sound Recording Litigation, to meet and confer with each other to prepare a Revised Master Complaint, containing all parties and all claims for the Consolidated Actions.

1 Plaintiffs' counsel shall file and serve the Revised Master Complaint within
2 thirty (30) days of the issuance of the Clerk's notice under Section (IV)(d) above.

3 **VII. SCOPE OF ORDER**

4 The terms of this Order shall not have the effect of making any person, firm or
5 entity a party to any action in which he, she or it has not been named, served or added
6 as such in accordance with the Federal Rules of Civil Procedure. The terms of this
7 Order and the consolidation ordered herein shall not affect in any way, or constitute a
8 waiver by any party, of any claims or defenses to any action.

9 **VIII. PRELIMINARY SCHEDULE OF PROCEEDINGS**

10 The Consolidated Complaint shall be the operative complaint and shall
11 supersede all complaints filed in any of the actions consolidated herein. Pending
12 filing and service of the Consolidated Complaint, Defendants shall not have any
13 obligation to move, answer, or otherwise respond to any of the individual complaints
14 in actions consolidated under this Order and listed in Section I, *supra*, or any action
15 subsequently consolidated under this Order.

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18 Dated: 10/13/15

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20 **PHILIP S. GUTIERREZ**

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Honorable Philip S. Gutierrez
22 United States District Court Judge
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